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MS MISSING PARTS
PATENT
0459-0741PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Moth Sloth WEIDNER Conf.: 1184
Appl. No.: 10/817,155 Group:
Filed: April 2, 2004 Examiner:
For: CHEMICAL COMPLEX COMPRISING A PYRIDINE
CARBOXY DERIVATIVE AND AN H2 HISTAMINE
RECEPTOR ANTAGONIST

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION**

MS MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 18, 2005

Sir:

The Notice to File Missing Parts dated June 18, 2004 required Applicant to submit an Oath/Declaration to perfect the filing of the application. The Oath/Declaration was required to comply with 37 CFR 1.63 and identify the application by application number and filing date. Applicant wishes to advise the United States Patent and Trademark Office that a proper Declaration was filed with the application on April 2, 2004. As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the postcard indicating

Appl. No. 10/817,155

receipt of the Declaration by the United States Patent and Trademark Office.

Applicant would point out that the present application is a continuation application and, as such, Applicant submitted a copy of the declaration filed in the parent case as specifically permitted under 37 CFR 1.63(d)(1)(i). Accordingly, Applicant has not, and is not required to submit a new Oath/Declaration.

Reconsideration and removal of this requirement is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

 # 46,183
Leonard R. Svensson, #30,330

LRS/KR/sbp
0459-0741PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of Postcard Receipt

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22868 U.S. PTO
10/817155
040204

Papers Filed herewith on: April 2, 2004
 DOCKET NO.: 0459-0741PUS2 ATTY.: LRS/KR
 APPLICANT(S): WEIDNER
 APPLN. NO.: NEW FILED: Apr. 2, 2004
 PAT NO.:

- ☒ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☒ Filing Under 37 CFR 1.53(b) ☒ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☒ Specification Consisting of: 31 pages
☒ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
 or Formalities Letter and Executed Declaration
☒ Priority Document(s) / Cover Letter, No. Doc.
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
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☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal ☐ Sequence Listing
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Receipt is hereby acknowledged of the papers filed as
 indicated in connection with the above identified case.
 COMMISSIONER OF PATENTS AND TRADEMARKS

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